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ABSTRACT

The policy interpretation paper was developed in cooperation with the National Inservice Network and involved an examination of all existing federal policy as well as background federal materials that directly or indirectly affect the issue of regular educator responsibilities for handicapped children as related to inservice education efforts under P.L. 94-142, the Education for All Handicapped Children Act. The discussion centers on the following issues: the definition of a handicapped child, definitions of special education and related services, the definition of the least restrictive environment, the definition of supplementary aids and services, existing federal regular education inservice policy, and the suggested contents of regular educator inservice programs. It is concluded that placement in a regular class is only appropriate when the handicapped child can learn from the instruction that most skilled regular educators can provide, with assistance as needed from support personnel as well as other aids and services. Proper evaluation and placement procedures, supplementary aids and services, and regular inservice education are seen to lead to appropriate and least restrictive placement for handicapped students. (DB)

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A POLICY INTERPRETATION REGARDING REGULAR EDUCATOR RESPONSIBILITIES FOR EDUCATING HANDICAPPED CHILDREN AS A BASIS FOR DESIGNING REGULAR EDUCATION INSERVICE PROGRAMS

Alan Abeson
Jean Harris Mack

A Publication of the
Policy Options Project

January 1980

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Since the enactment of Public Law 94-142, the Education of All Handicapped Children Act in 1975, there has been a national emphasis on the provision of inservice for all personnel responsible for carrying out the purposes of the Act. The inservice education needs of regular educators, in particular, have become a concern as more handicapped children are provided an appropriate education in the least restrictive environment. While there is support for inservice for regular educators, some questions still remain as to the specific responsibilities of regular educators for handicapped students that lead to concern about how much and what kind of inservice is necessary to meet the needs of regular educators who serve handicapped students. Frequently, these questions center about the instructional responsibilities that regular educators possess for handicapped students placed in their classrooms.

It is because of this concern that the Policy Options Project undertook the development of this paper. Throughout its development active involvement occurred with the Policy Task Force of the National Inservice Network (NIN) and its Advisory Board. This Board, which officially adopted the paper and its recommendations, recognized that without this policy interpretation some inappropriately directed inservice efforts would occur and possibly result in ineffective or delayed implementation of P.L. 94-142. The Board and its Policy Task Force were most concerned that future regular education inservice (REGI) efforts be based upon the correct understanding of the REGI focus.

To insure that this paper achieved the goal of correctly interpreting and stating the basis of designing and implementing the inservice requirement for general educators as intended by P.L. 94-142, a careful procedure was used for its development. Initially, the NIN project staff worked with the NIN Policy Task Force to examine all existing federal policy, as well as background federal materials that directly or indirectly had bearing on the question. Subsequently, the paper was reviewed by the NIN Policy Task Force, presented to the NIN

National Advisory Board, revised and again reviewed. Ultimately, it was the fifth draft that was accepted. After adoption by the Board, it is being disseminated to the Regular Education Inservice Network, state directors of special education, state personnel development staff, state and national professional educational associations, and other interested parties.

The developers of this paper recognize, as should the reader, that the effects of these federal policies are continuously being evaluated, which relate to the continuous evolution of the founding policy itself. This phenomena clearly reflects Lindblom's suggestion that policies, as stated in law, are sometimes the outcome of political compromise among policy makers, none of whom had in mind quite the problem to which the adopted policy is the solution.

While we believe that policy is often a series of compromises, we do not agree that the problems in relation to P.L. 94-142 are unclear. Increasing the capacities of all educators to better serve handicapped students in the least restrictive environment, collaborative planning, and more effective use of specialized resources were all envisioned as goals to be achieved through this legislation. The ultimate goal represented by this statute, which must be emphasized, is achievement of the design and delivery of educational programs to all handicapped children in response to their individual needs.

Although the principle authors of this paper were Abeson and Mack, intensive and useful substantive assistance and comment were provided by Pat Kells and Elaine Thompson of the NIN Advisory Board and NIN Project Director, Leonard Burrello.

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P.L. 94-142 AND REGULAR EDUCATION INSERVICE POLICY

Since P.L. 94-142 must be viewed as a whole as well as by its parts, it is necessary to look at selected sections of the Act and its regulations in an attempt to gain greater clarity regarding how much and what kind of inservice is needed by regular educators as well as an understanding of their responsibilities. These sections emphasize a few key definitions - handicapped children, special education, least restrictive environment, related services, and supplementary aids and services that determine the population eligible to receive a specially designed instruction as well as the nature of those services needed to provide each handicapped child with a free appropriate public education. It is in these policies that an interpretation of the inservice needs of regular educators must begin.

Definition of a Handicapped Child

Some confusion still exists as to who is and who is not handicapped for purposes of P.L. 94-142. By tracing the progression set forth in the law regarding this determination, it is possible to achieve resolve of this question. First, the definition of handicapped children in the P.L. 94-142 Regulations is:

> ...those children evaluated in accordance with Sections 121a.530-121z.534 as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services.

According to this definition, a student is handicapped if that student has an impairment and because of the impairment possesses unique educational needs requiring special education and related services. It is clear that for purposes of P.L. 94-142 not all impaired children are necessarily handicapped since a student may possess an impairment that does not result in unique educational needs requiring special education and related services. Such a student may have an orthopedic handicap, for example, simply requiring the use of a wheelchair.

Obligation for providing an appropriate education for an impaired student who does not require special education is not, however, removed from the education agency. It should be noted that those students who are impaired but are not considered handicapped for purposes of P.L. 94-142 must be provided a free appropriate public education under the requirements of Section 504 of the Rehabilitation Act of 1973 (P.L. 93-113). Section 84.33(a) of the Section 504 regulations states that:

> (a) General. A recipient that operates a public elementary or secondary education program shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

Definitions of Special Education and Related Services

The P.L. 94-142 regulations define these terms in the following manner:

> Section 121a.14. Special education.
>
> (a)(1) As used in this part, the term 'special education' means specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.
>
> Section 121a.13. Related services.
>
> (a) As used in this part, the term 'related services' means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreating, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

As stated, special education is specifically designed instruction to meet a handicapped student's unique needs. Again, it is important to emphasize that the focus is on unique educational needs due to the presence of a handicapping condition.

To insure that the unique needs of handicapped students are met, an Individualized Education Program (IEP) must be developed for each handicapped student. The IEP must specify the specially designed instruction and related services to be provided to the student and the extent to which the student will be able to participate in regular educational programs. If the student is not receiving specially designed instruction within the regular education program, the IEP need not contain goals and objectives which address student progress that is to occur through participation in the regular education program. This definition of special education implies that the goals and expected outcomes of special education should emanate from regular education. To further understand this relationship, the requirements that handicapped children must be educated in the least restrictive environment must be considered.

Definition of the Least Restrictive Environment

P.L. 94-142 describes the Least Restrictive Environment in the following manner:

> Section 12(5) B
>
> ...to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Additional clarification of the Least Restrictive Environment requirement, from the comments section of the Federal Rule and Regulations indicates that:

> ...The overriding rule in this section is that placement decisions must be made on an individual basis. The section also requires each agency to have various alternative placements available in order to insure that each handicapped child receives an education which is appropriate to his or her individual needs. (Section 121a.552)

> The analysis of the regulations for Section 504 of the Rehabilitation Act of 1973 (45 CFR Part 84 - Appendix, Paragraph 24) includes several points regarding the analysis of the Section 504 regulations (45 CFR Part 84 - Appendix) points out that:
>
> With respect to determining proper placement, the analysis states: ...it should be stressed that where a handicapped child is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore regular placement would not be appropriate to his or her needs...

Frequently, in recent years educational decision makers have been operating programs with a limited interpretation of the Least Restrictive Environment requirement that has narrowly addressed the student's "placement." It is increasingly being recognized through legislative and judicial interpretation that a more comprehensive interpretation of Least Restrictive Environment is appropriate. This approach indicates that least restrictive requirement decisions should take into account specially designed instruction if it is required, related services and supplementary aids if they are needed, as well as the actual program placement of the handicapped student.

The contemporary view of the Least Restrictive Evironment requirement is well represented by the following statements:

- All handicapped students have a right to be educated with their nonhandicapped peers to the maximum extent appropriate.

- The eventual goal for the education of all handicapped children and the source for their instructional program is the curriculum that is "in place" for all nonhandicapped children.

- Removal of handicapped students from the regular educational environment should occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

- Placement on the basis of a categorical label or single test is inappropriate and contrary to the requirements of P L. 94-142 and Section 504.

- Recommendations for the student's program and placement must be made solely on the basis of the special education and related services needs of the student.

- An IEP must be developed for each handicapped student prior to determination of the child's program and must be at least annually reviewed.

Definition of Supplementary Aids and Services

The continuum of alternative programs which must be available to meet the needs of handicapped students includes consideration of supplementary aids and services that are detailed in the federal rules and regulations that address the Least Restrictive Environment. These provisions specify that supplementary services "such as resource room or itinerant instruction" can be provided in conjunction with regular class placement when needed by the handicapped student. A further regulatory clarification of the definition of supplementary aids and services specifies that provisions be made for support in the regular classroom in order to accommodate handicapped children (e.g., including reducing the pupil-teacher ratio and assigning aides to room).

Supplementary aids and services may also include unique material, equipment and personnel that enable the student to learn from the instructional program provided by the regular educator. Examples found in practice include interpreters, note takers, readers for the blind, audio tapes of reading material, typewriters, calculators, and braille materials.

Existing Federal Regular Education Inservice Policy

As a basis for the establishment of inservice training for regular educators, Section 613(a)(3) of P.L. 94-142 mandates the establishment of a system of comprehensive personnel development as follows:

> SEC.613. (a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the Commissioner, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall--
>
> (3) set forth, consistent with the purposes of this Act, a description of programs and procedures for (A) the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;...

In researching the history of this section of the law, it was found that few public comments were made. The review of selected hearings on P.L. 94-142 revealed no testimony regarding this concern nor the amount and type of inservice training to be provided (Education for All Handicapped Children Act: Hearings on S.6 Before the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare, 93rd Congress, 1st Session (1973-1974) Part 1, Part 2, Part 3).

This historical review suggests that the issue in developing this section of the law was that of mandating that inservice training be provided for all the personnel involved in carrying out the provisions of the law. Little attention was given to stating a basis for determining the type and amount of inservice training to be provided.

The federal regulations to P.L. 94-142 also address the provision of inservice training to regular/general educators. Section 121a.380 states that:

> Each annual program plan must include a description of programs and procedures for the development and implementation of a comprehensive system of personnel development which includes:
>
> (a) The inservice training of general and special educational instructional, related services, and support personnel;...

Section 121a.382 further indicates a few specific content areas in which training is needed. However, it should be noted that such training applies to all personnel being trained, not solely regular educators.

> (e) Each annual program plan must provide that the State educational agency insures that ongoing inservice training programs are available to all personnel who are engaged in the education of handicapped children, and that these programs include:
>
> (1) The use of incentives which insure participation by teachers (such as released time, payment for participation, options for academic credit, salary step credit, certification renewal, or updating professional skills);
> (2) The involvement of local staff; and
> (3) The use of innovative practices which have been found to be effective.
>
> (f) Each annual program plan must:
>
> (1) Describe the process used in determining the inservice training needs of personnel engaged in the education of handicapped children;
> (2) Identify the areas in which training is needed (such as individualized education programs, non-discriminatory testing, least restrictive environment, procedural safeguards, and surrogate parents);
> (3) Specify the groups requiring training (such as special teachers, regular teachers, administrators, psychologists, speech-language pathologists, audiologists, physical education teachers, therapeutic recreation specialists, physical therapists, occupational therapists, medical personnel, parents;...

As part of the process for development of these regulations, Regulation Input Teams (RIT) composed of parents, advocates and representatives of educational agencies and special interest groups were established by the then Bureau of Education for the Handicapped (which is now the Office of Special Education) to develop concept papers on the major elements of the law. It was from these concept papers that proposed P.L. 94-142 regulations were developed. Selected sections of the RIT concept paper on Personnel Development described inservice training for regular educators in the following manner:

> The operation of an ongoing, inservice education program shall be available to all educational and support personnel in each State, as identified by documented need.
> Each State annual program plan shall provide information and assurances which details:
> (c) the identification of target populations for personnel development, which includes general education and special education instructional and administrative personnel, support personnel and other personnel; e.g., paraprofessionals, parents, parent surrogates, volunteers, etc., necessary for the adequate implementation of this Act. (PERSONNEL DEVELOPMENT, RIT Paper, 1976, p.3)

Subsequent to the RIT concept papers, the public was invited to comment on the proposed regulations. As a part of the preparation of this paper, the written public comments regarding personnel development were also reviewed and analyzed. Of note is that most of the comments were concerned with what personnel should be involved in inservice training with frequent arguments presented for greater participation of mandated personnel. Recommendations included some of the following categories of personnel: therapeutic recreation specialists, higher education faculty and inservice trainers, physical education teachers, career guidance counselors, rehabilitation counselors, vocational education teachers, work-study coordinators, hearing officers, legal personnel, and even classmates of the handicapped children. Once again, while the comments were directed toward who should participate, no information was specified to guide the development of policy regarding the amount and type of traning to be provided.

Subsequent commentary that appeared with the Final Rules and Regulations (August 23, 1977) regarding Inservice Training (Section 121a.382) specifies that:

> There were a number of contrasting points of view and suggestions on this section, ranging from requests to mandate greater detail in the proposed rules, to the suggestion that the section be deleted altogether. Those proposing greater detail suggested that specific knowledge and areas of learning be emphasized and that teachers be trained "by having them work one-to-one with specialists" and that "inservice training be mandated at the local level, a county being the largest unit possible, to prevent the State from using the money for ineffectual regional workshops...
>
> On the other extreme were suggestions that this section "exceeds statutory requirements and that "federal rules should not say how a task is accomplished" and "(state) provides adequate training and inservice and does not need more obstacles and regulations.

In response to these comments, the P.L. 94-142 Regulations indicate that:

> The statute clearly requires inservice education as a central part of the Comprehensive System of Personnel Development and it is appropriate for the rules to detail the nature and extent of the inservice education that is required. This has been accomplished through the outlining of procedures which define inservice education, its parameters, and relationship to required needs assessments. However, the rules do not define the specific nature of the training to be accomplished. Thus, the rules have been designed to outline the foundation for an adequate program of inservice education, without shifting the creativity of state and local personnel in their efforts to plan and implement such a system.

IMPLICATIONS FOR REGULAR EDUCATION INSERVICE

This mandate that handicapped children be educated with children who are not handicapped and be removed from regular classes only when not satisfactorily achieving indicates that some handicapped children who do not require special education in all instructional areas must be provided such instruction in the regular education program: assignments which should be specified in the IEP. These requirements permit further distinctions to be made about the types of children served in a regular educational environment. Following the progression developed in this paper, a regular classroom teacher may typically find the following two types of students in the regular classroom:

- An impaired student who requires no special education. This student can be considered as a regular student and may or may not require the use of supplementary aids and services such as vision assistance devices and/or materials for a visually impaired child. The full range of supplementary aids and services that may be used to assist this child are also typically available to all students.

- A handicapped student who requires sufficiently intense, specially designed instruction (special education) in a special setting but who also participates for part of the program in a regular classroom. This student needs specially designed instruction as set forth in the IEP during his or her time in a special education setting. However, when this child is appropriately placed in the regular classroom, he does not require special education and is, therefore, essentially considered a regular student, who may or may not need supplementary aid and services.

Efforts to resolve the lack of clarity as to how much and what kind of inservice training of regular educators is necessary to educate handicapped children should be consistent with the actual needs of all students. The presence of handicapped or impaired children in a regular classroom setting need not cause apprehension. Teachers have traditionally been taught to instruct children of different ages (certification in elementary or secondary education rather than Grade 2 or Grade 10 English) who present a range of intellectual, emotional and social abilities. Handicapped students and those who are impaired, but require no specially designed instruction, are, when appropriately placed, generally functioning within the range of learning abilities and styles of the regular students already in the classroom. If the functioning of the handicapped student is beyond that which the teacher is competent to deal with successfully without reducing the quality of instruction for other students in the class, then the regular setting would be inappropriate and, perhaps, illegal.

Frequently, the problem of implementing the least restrictive environment requirement occurs when there is an ineffective match between the learning needs of a handicapped student and the program already operating or which can occur in the regular classroom. Among the reasons for this mismatch may be:

- Teacher apprehension concerning his/her knowledge and perception of skills required to adequately instruct a handicapped student.
- Teacher attitude concerning handicapped children and adults.
- Student, parent and community apprehension about accommodating handicapped individuals.
- Range of behavior or academic achievement within a program may be of a nature that does not permit effective participation for a particular handicapped student.

Regular education teachers need to be reassured that if they are qualified to teach the range of nonhandicapped students that they already encounter in their programs, they are already or can become prepared to meet the educational needs of handicapped and impaired students appropriately placed in those settings. Consequently, the nature and scope of inservice education for regular educators of handicapped students may then not need to be as extensive as often initially perceived. Rather than presenting inservice programs addressing special education instructional techniques, what may best serve the needs of regular teachers would be training focusing on:

- Managing disabilities in the classroom.
- Participating in decision making activities as members of educational teams.
- Understanding legal processes and procedures.
- Dealing with human relations regarding the handicapped.

The Contents of Regular Educator Inservice Programs

As indicated, there are four domains of content that should be the focus of inservice education programs for regular educators in order to assist them to instruct handicapped children in conformity with both educational and legal requirements. These domains have largely been identified through the work of a number of Office of Special Education supported model projects that have been directed at providing inservice to regular education within the previously presented interpretation of P.L. 94-142.

Within the first domain, managing disabilities in the classroom is content that focuses upon assisting regular educators to become familiar with the characteristics of handicapped children primarily in terms of the ways in which a child's disability effects learning. Among the content addressed would be teacher techniques for presenting learning tasks that relate to mode and manner of presentation, pacing, sequencing, rewarding and attending. Alternative means of evaluating student programs would also be presented to emphasize the use of oral as well as written approaches. Equally important would be instruction in arranging the physical environment to enhance learning including the use of various types of instructional materials and equipment, mobility devices and assisting personnel. The environmental content also must deal with factors that must be considered in assigning handicapped students to work with other students in both small and large group oral and written activities. Special sensitivities must operate in this context to insure that the outcomes of such groupings are productive for both handicapped and nonhandicapped students.

Throughout P.L. 94-142, there is emphasis upon regular and special educators as well as administrators and the providers of related services to function as teams in decision making about designing programs, providing programs and evaluating program effectiveness. At a minimum, the evaluation of handicapped children, the development of IEP's and the delivery of programs involve professionals working

as teams. Inservice education must be provided to enable these processes to occur both effectively and efficiently. Among the content presented would be definitions and expectations of responsibility of the various involved participants, guidelines as to when and how formal and informal communications should occur, appropriate subjects for communication, human and other resources available to the team members and measures for resolving disagreements. What must be emphasized is that the focus of team activities is upon program decision making, which is the intent of both federal and state policy.

To a minimal degree, the provisions for team activities are specified within P.L. 94-142 and its regulations. Because these and other processes associated with the education of handicapped children are based in law, it is essential that regular educators be provided with information about their legal responsibilities. In addition, to presenting content regarding the evaluation and IEP processes, regular educators need to become familiar with the procedural safeguard system that exists within their education agencies, local procedures regarding discipline and in particular, suspension of handicapped students, confidentiality of information requirements, and parent communication and referral procedures.

The final content domain recognizes that some regular educators, the nonhandicapped children they serve and their parents as well as other school employees may have had little opportunity to interact with handicapped children and adults. As a result, all of these individuals may possess some anxiety about their feelings toward handicapped persons. Reducing this anxiety through various types of human relation experiences is essential if handicapped children are to become competent participants in regular education programs and ultimately in society. Regular educators must participate in programs that will enable them to discover that as has been stressed in this paper they can successfully teach handicapped children, handicapped children can be effective learners in the programs, can enhance the total program, and can be expected to meet the performance and behavioral standards for all children.

CONCLUSION

Reality and experience dictate that as the education of handicapped students continues to occur, there will always be some children for whom it will be especially difficult to determine the appropriate placement. In such instances, the preferable decision in keeping with the law is to provide as much of the education as is appropriate in the least restrictive setting. To insure that handicapped students who do spend at least a part of their education day in regular programs will be provided with an appropriate education requires, as the law states, that both regular and special educators receive high quality and relevant inservice education.

Regular educators must, through inservice and other activities, understand that their students, whether once labeled as handicapped or presently considered handicapped, can only be placed in their classrooms when they can learn from the instruction that most skilled regular educators can provide, with assistance as needed from support personnel as well as other aids and services. To place handicapped students in regular settings beyond the range of learning abilities and styles that are present in the nonhandicapped and beyond the capability and willingness of the regular educator is a disservice to the student, his/her classmates and the teacher. Such placements are not only inappropriate but also illegal. With proper evaluation and placement procedures, supplementary aids and services, and regular inservice education, the spirit and intent of the least restrictive placement for handicapped students can be effectively achieved.

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